

REMARKS

In the Office Action¹, the Examiner objected to claims 1, 30, and 32; provisionally rejected claims 1-7 and 30-33 for obviousness-type double patenting in view of claims 1-7 and 30-33 of Application Nos. 11/390,207, 11/390,208, 11/390,375, 11/390,376, 11/390,383, 11/390,453, and 11/390,454; and rejected claims 1-7 and 30-33 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,347,136 to Horan ("*Horan*") in view of U.S. Patent No. 5,956,697 to Usui ("*Usui*").

Applicants have amended the title and claims 1, 30, and 32 and canceled claims 8-29 and 34-43.. Claims 1-7 and 30-33 are pending.

Regarding the objection to claims 1, 30, and 32, Applicants have amended claims 1, 30, and 32 as suggested by the Examiner. Therefore, Applicants respectfully request that the Examiner withdraw the objection to claims 1, 30, and 32.

Applicants respectfully traverse the provisional double patenting rejections. The Examiner asserts that claims 1-7 and 30-33 are currently pending in Application Nos. 11/390,207, 11/390,208, 11/390,375, 11/390,376, 11/390,383, 11/390,453, and 11/390,454. This is not correct.

Applicants filed preliminary amendments in all seven applications on March 28, 2006. In Application No. 11/390,207, claims 9, 13, and 29 are pending. In Application No. 11/390,208, claims 40-43 are pending. In Application No. 11/390,375, claim 34 is pending. In Application No. 11/390,376, claims 36 and 37 are pending. In Application No. 11/390,383, claims 8, 14-28, and 35 are pending. In Application No. 11/390,453,

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

claims 10-12 are pending. In Application No. 11/390,454, claims 38 and 39 are pending.

The claims of each application are drawn to a different invention, as asserted by the Examiner in the Restriction Requirement mailed December 13, 2005. Therefore, the double patenting rejection is improper. See MPEP § 804. Accordingly, Applicants request that the Examiner withdraw the double patenting rejections.

Applicants respectfully traverse the rejection of claims 1-7 and 30-33 under 35 U.S.C. § 103(a). The prior art cited by the Examiner, *Horan* and *Usui*, does not teach or suggest each and every element of claims 1-7 and 30-33. A *prima facie* case of obviousness has, therefore, not been established.

Claim 1 recites an electronic apparatus including, for example:

operation inputting means . . .
function executing means . . .
measuring means . . .
computing means . . .
management means for transmitting keys to the electronic apparatus,
wherein the management means,
transmits a first key to the electronic apparatus to disable at least one of the plurality of functions, including playback, recording, fast forwarding, and rewinding, if the amount of charge is not settled, and
transmits a second key to the electronic apparatus to enable at least one of the plurality of functions, including playback, recording, fast forwarding, and rewinding, if the amount of charge is settled.

(emphasis added). *Horan* does not teach or suggest every element of the claimed invention.

Horan discloses a caller identification method. Display/control logic 158 “includes control inputs (e.g. play, record, fast forward, rewind, pause, stop, keypad, arrows, etc.) for controlling answering machine functions, entering names and phone

numbers, setting preferences, etc.” (col. 3, lines 52-55). These inputs are not used in computing charge based on an “execution time” of each input. *Horan* is silent regarding any type of charging means.

Horan is also silent regarding the claimed “management means for transmitting keys to the electronic apparatus.” Applicants find no teaching or suggestion in *Horan* of transmitting a first key “if the amount of charge is not settled” and transmitting a second key “if the amount of charge is settled.” Therefore, *Horan* does not teach or suggest the claimed combination of elements including, for example, a “management means for transmitting keys to the electronic apparatus, wherein the management means, transmits a first key to the electronic apparatus to disable at least one of the plurality of functions, including playback, recording, fast forwarding, and rewinding, if the amount of charge is not settled, and transmits a second key to the electronic apparatus to enable at least one of the plurality of functions, including playback, recording, fast forwarding, and rewinding, if the amount of charge is settled,” as recited in claim 1.

Usui does not cure the deficiencies of *Horan*. *Usui* discloses a fee charging system for the internet. An authentication server “interlocks with a specific extended authentication data base to check access status to the Internet” (col. 2, lines 34-36). A fee charging server “is interlocked with the specific extended authentication data base which calculates the fee for access according to the length of the time each client is connected, and constantly renews the access status rate of each authentication data of a specific extended authentication data base” (col. 2, lines 38-43).

Applicants find no teaching or suggestion in *Usui* of transmitting a first key “if the amount of charge is not settled” and transmitting a second key “if the amount of charge

is settled.” Therefore, *Usui* does not teach or suggest the claimed combination of elements including, for example, a “management means for transmitting keys to the electronic apparatus, wherein the management means, transmits a first key to the electronic apparatus to disable at least one of the plurality of functions, including playback, recording, fast forwarding, and rewinding, if the amount of charge is not settled, and transmits a second key to the electronic apparatus to enable at least one of the plurality of functions, including playback, recording, fast forwarding, and rewinding, if the amount of charge is settled,” as recited in claim 1.

Accordingly, *Horan* and *Usui* fail to establish a *prima facie* case of obviousness with respect to claim 1, at least because the references fail to teach each and every element of the claim. Claims 2-7 depend from claim 1 and are thus also allowable over *McGregor* in view of *Horan*, for at least the same reasons as claim 1.

Independent claims 30 and 32 and dependent claims 31 and 33, while of different scope, recite limitations similar to those of claim 1 and are thus allowable over *Horan* and *Usui* for at least the same reasons discussed above in regard to claim 1.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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